

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UJU ONUACHI,

Plaintiff,

vs.

MASTER BUILDERS, INC., HARRY S. PETERSON COMPANY, WESTERN WATERPROOFING CO., INC., A subsidiary of the Western Group; THE ALLIANCE GROUP INC., MEYLAN ENTERPRASISE INC., ALEGENT HEALTH IMMANUEL MEDICAL CENTER, BODO W. TREU, MD; DAVID A. STERNS, MD; REBECCA S. RUNDLETT, MD; DENNIS R. RIEKENBERG, JOHN R. TIMMERMIER, and JOHN K. GREEN,

Defendants.

4:17CV3114

ORDER

This matter is before the Court on the Motion for Leave to File Response Out of Time, ECF No. 110, filed by Defendants Master Builders, Inc., D/B/A Harry S. Peterson Company, Harry S. Peterson Company, and Western Waterproofing Co., Inc., (collectively Master Builders Defendants).

Plaintiff Uju Onuachi filed a notice of appeal, ECF No. 93, on February 15, 2018. He filed a motion to vacate, ECF No. 106, on March 11, 2016. At the time of that filing, this case was designated as closed, and the Court was without jurisdiction to consider the motion to vacate, due to the notice of appeal. Given the circumstance, Master Builders Defendants did not respond to the motion to vacate at that time. On April 16, 2018, the United States Court of Appeals for the Eighth Circuit ordered Onuachi's

appeal held in abeyance and remanded the motion to vacate for ruling by this Court. Master Builders Defendants now seek leave to file their response. Onuachi did not respond to the motion, and the Court finds that it should be granted. See Fed. R. Civ. P. 6(c) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time . . .”). Accordingly,

IT IS ORDERED:

1. The Motion for Leave to File Response Out of Time, ECF No. 110, is granted; and
2. Defendants Master Builders, Inc., D/B/A Harry S. Peterson Company, Harry S. Peterson Company, and Western Waterproofing Co., Inc., will respond to the motion to vacate, ECF No. 106, on or before June 5, 2018.

Dated this 22nd day of May, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge